

CALL NO.

CA1
PV30
-L15

GOVT



3 1761 116381526

A standard linear barcode is positioned vertically on the left side of the label. The barcode consists of vertical black lines of varying widths on a white background. To the right of the barcode, the number '3 1761 116381526' is printed in a small, black, sans-serif font.



Landmark

A PUBLICATION OF THE INDIAN CLAIMS COMMISSION / FALL 2000

"I have heard the elders say that when the terms of the treaties were deliberated the smoke from the pipe carried that agreement to the Creator binding it forever. An agreement can be written in stone, stone can be chipped away, but the smoke from the sacred pipe signified to the First Nation peoples that the treaties could not be undone."

Ernest Benedict, Mohawk Elder
Akwasane, Ontario
June 1992

CONTENTS

Commission Tells Government to Reconnect the Carry the Kettle Band to the Cypress Hills	1
The Cypress Hills Massacre	4
Minister Responds to The Long Plain Inquiry	4
News In Brief	5
New Staff	6

Landmark is published by the Indian Claims Commission to inform readers of Commission activities and developments in specific claims. Landmark and other ICC publications are also available on our web site at: www.indian claims.ca

Please circulate or distribute the material in this newsletter. If you have questions, comments, or suggestions, contact:

Marie Cocking,
Senior Communications Officer
Tel: 613 943-1607
Fax: 613 943-0157
E-mail:
mcocking@indian claims.ca

The Indian Claims Commission offices are located at:
The Enterprise Building
Suite 400-427 Laurier Avenue West
Ottawa, ON K1R 7Y2

Commission Tells Government to Reconnect the Carry the Kettle Band to the Cypress Hills



Assiniboine camp in the Cypress Hills, c.a. 1878 – T.G.N. Anderton, Fort Walsh, Saskatchewan
Glenbow Archives NA-790-4

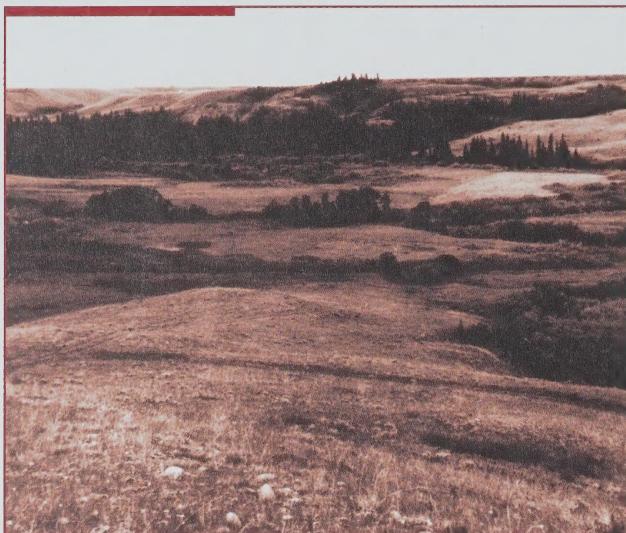
On June 1, 1873, in an event that some say changed the way the West was settled, Assiniboine ancestors of the Carry the Kettle Band were gunned down in their camp in the Cypress Hills by drunken wolf hunters from Montana. In less than a decade, to preserve the peace, the Government of Canada had pushed the Assiniboine out of their traditional territory in the Hills to land 350 kilometres away. To this day, the Band returns to the

Cypress Hill Massacre site each spring to remember its dead.

In a report released on August 8, 2000, the Indian Claims Commission called on government to acquire the massacre site and to recognize it for its historical importance.

"This was, perhaps, the worst atrocity in Canadian history – and the least known," said Co-Chair Jim Prentice. "The Assiniboine lost their lives, their land, their self-determi-





Area of the Cypress Hill Massacre, Battle Creek, Saskatchewan, c.a. 1971

Glenbow Archives NA-2446-12

CLAIMS IN INQUIRY

Alexis First Nation (Alberta) – Transalta Utilities
right-of-way

Canupawakpa Dakota First Nation (Manitoba) –
Turtle Mountain surrender

Chippewas of the Thames (Ontario) – Clench
defalcation

Chippewa Tri-Council (Ontario) – Coldwater-
Narrows Reservation

Conseil de bande de Betsiamites (Quebec) –
Route 138 et réserve de Betsiamites,
and Pont de la rivière Betsiamites

Cumberland House Cree Nation (Saskatchewan) –
claim to Indian Reserve 100A

Esketemc First Nation (British Columbia) –
Alkali Indian Reserves 15,17,18

James Smith Cree Nation (Saskatchewan) –
Chakastaypasin

James Smith Cree Nation (Saskatchewan) –
treaty land entitlement

James Smith Cree Nation (Saskatchewan) – Peter
Chapman Band and membership claim to
Cumberland House Indian Reserve 100A

Kluane First Nation (Yukon) – Kluane Park and
Kluane Game Sanctuary

Mississaugas of the New Credit First Nation
(Ontario) – Toronto purchase

Mistawasis First Nation (Saskatchewan) –
1911, 1917, 1919 surrenders – in abeyance

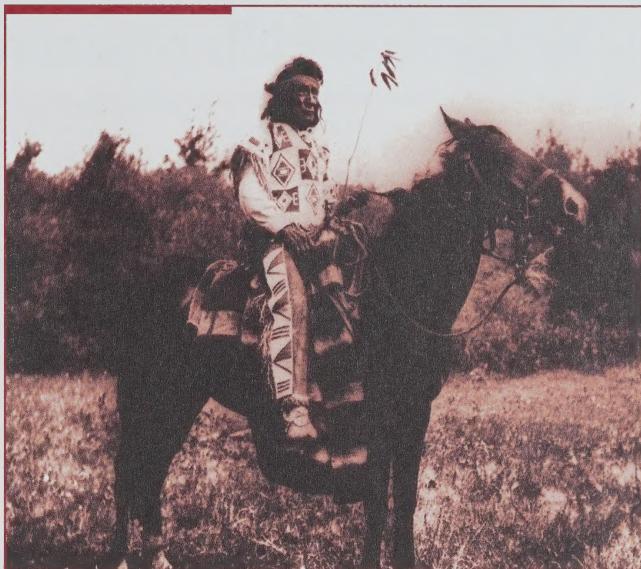
Mistawasis First Nation (Saskatchewan) –
compensation criteria – in abeyance

Ocean Man Band (Saskatchewan) – treaty
land entitlement

By 1880, however, the federal government had decided to relocate the Assiniboine and other First Nations to the Maple Creek region, in part, to maintain law and order near the United States border. The Assiniboine did not want to move and did not do so until officials cut their rations and they were forced to choose between starvation or survival.

Commissioners found this outcome to be unjust. Since its inception, the Commission has had a responsibility through its supplementary mandate to draw to the government's attention circumstances where the outcome of government policy, although lawful, is unfair.

The Carry the Kettle Band returns each year to the Cypress Hills. According to Elder Kaye Thompson, speaking before the inquiry: "Our people highly respect their burial sites. The burial site is holy land. The spirits around that place, in Cypress Hills, where our dead relatives were left behind. These ones, they say, kept the reserve. That's where they're laying."



Chief Carry the Kettle, no date *Provincial Archives of Manitoba*

Sandy Bay Ojibway Nation (Manitoba) – treaty land entitlement
Stanjikoming First Nation (Ontario) – treaty land entitlement – in abeyance
Sturgeon Lake First Nation (Saskatchewan) – 1913 surrender – in abeyance

CLAIMS WITH REPORTS PENDING

Cowessess First Nation (Saskatchewan) – 1907 surrender
Peguis Indian Band (Manitoba) – treaty land entitlement
Roseau River Anishinabe First Nation (Manitoba) – medical aid

CLAIMS IN FACILITATION OR MEDIATION

Blood Tribe/Kainaiwa (Alberta) – Akers surrender 1889

Cote First Nation (Saskatchewan) – 1905 surrender pilot project
Fishing Lake First Nation (Saskatchewan) – 1907 surrender
Fort William First Nation (Ontario) – pilot project
Kahkewistahaw First Nation (Saskatchewan) – 1907 surrender
Michipicoten First Nation (Ontario) – pilot project
Moosomin First Nation (Saskatchewan) – 1909 surrender claim
Qu'Appelle Valley Indian Development Authority (Saskatchewan) – flooding
Roseau River Anishinabe First Nation (Manitoba) – 1903 surrender
Thunderchild First Nation (Saskatchewan) – 1908 surrender

The Cypress Hills Massacre

For many generations, bands of Assiniboine and other First Nations relied upon the protected valleys of the Cypress Hills for winter shelter and food, and as a special place for spiritual ceremonies. By the 1870s, those same protected valleys became a haven for illegal whiskey traders.

The winter of 1872-73 in the central Prairies was a particularly hard one and by spring, several bands of Assiniboine had travelled to the Cypress Hills where game was abundant. Together they numbered about 300 people, including 50 warriors, camped near two trading posts on the north fork of the Milk River (now called Battle Creek).

On the last day of May 1873, a group of wolf hunters from Montana arrived at these trading posts. They were searching for horses stolen from them two weeks previously, but the trail was cold. The frustrated wolfers

bought whiskey from the traders and settled in near the posts. Across the river, the Assiniboine were also drinking liquor given to them by one of the traders as a reward for returning a horse.

On June 1, 1873, George Hammond, an employee at one of the trading posts, thought the Assiniboine had stolen his horse and he asked the wolfers to join him in seizing some Assiniboine horses in retaliation. Despite the fact that Hammond's horse was found grazing nearby, the drunken mob crossed over to the Indians' camp and confronted the Assiniboine.

The situation was soon out of control and shooting began. The hunters had the advantage of superior rifles and cover. The Assiniboine – with only old muzzle-loading rifles, bows and arrows – were caught exposed and

unprepared. There is no accurate account of how many Assiniboine died that day, but estimates range from 25 to 80.

News of the massacre caused government officials in Ottawa to accelerate the recruitment of men to the newly-formed North West Mounted Police force. Within two years Fort MacLeod and Fort Walsh were established in and around the Cypress Hills, staffed by the NWMP whose orders were to preserve peace, prevent crime and protect the border with the United States.

In 1875, the NWMP tried but failed to have the wolfers extradited from the U.S.. A year later, three of the wolfers were arrested in Canada and tried in Winnipeg, but the case against them was weakened by insufficient and contradictory evidence and the three were acquitted.

Minister Responds to the Long Plain Inquiry

It was not a yes or a no. On August 21, 2000, Indian Affairs Minister Robert Nault responded to the Commission's recommendations in the Long Plain loss-of-use inquiry with neither an acceptance nor a rejection.

In March of this year, the Commission released its report into the Long Plain First Nation's claim for compensation for the loss of use of treaty entitlement land that was promised but not delivered for over a century. To date, the federal government has not considered loss of use as subject to compensation in treaty land entitlement (TLE) claims. The report recommended

that loss of use should be calculated in TLE claims since, regardless of government intentions at the time, the First Nation could have used that land for its benefit.

In his letter to the Commission, the Minister writes that the report was timely since it was released only a few months after the ruling of the Saskatchewan Court of Queen's Bench in the *Venne v. The Queen* case. *Venne* also deals with TLE compensation and Canada has appealed the ruling for "additional clarification of its obligations." The letter continues, "as the Commission did not address the impli-

cations of *Venne* – for the Long Plain First Nation claim, and/or for the area of TLE compensation more generally – in its report on this claim, Canada is not in a position to accept or reject the ISCC's recommendations at this time."

MOVING? NEW ADDRESS?

If you have a new address or would like Landmark delivered to another location, contact the Commission at:
cfigeat@indianclaims.ca
or
PO Box 1750 Station B Ottawa
Ontario K1P 1A2



News in Brief

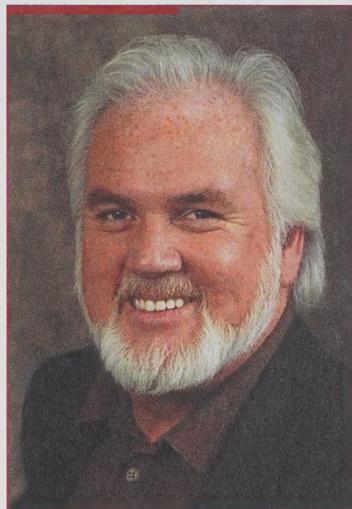
PELLY HAY LANDS CLAIM ACCEPTED FOR NEGOTIATION

In August of this year, after two conference calls and a meeting convened by the Indian Claims Commission, the Government of Canada accepted the claim of the Key, Cote, and Keeseekoosoo First Nations of Saskatchewan concerning the unlawful surrender of the Pelly hay lands in 1899 and 1905. Part of the land is now within the Cote First Nation reserve and part is owned by third parties.

In a letter to the First Nations, Minister Nault writes that "Canada is prepared to compensate the First Nations for losses sustained due to the breach in alienating the Pelly hay lands without surrender," but that any settlement of the claim will not return land now held by third parties to reserve status.

COMMISSIONER AUGUSTINE ADDRESSES WINDSOR ROTARY CLUB

During a luncheon address to approximately 100 Windsor Rotarians in July, Commissioner Roger Augustine talked of the importance of settling specific land claims for alleviating the suffering of the poor on many reserves. Using his own responsibilities and experience as Commissioner to highlight the Commission's mandate, he outlined the important but restricted role of the ICC in settling specific claims.



Commissioner Roger Augustine

The Commissioner said that cooperation and understanding form the framework for progress in resolving land claims. As an example, he cited the progress made by the former National Chief of the Assembly of First Nations, Phil Fontaine; he then expressed his hope that the new National Chief, Matthew Coon Come, will continue in the same vein. Commissioner Augustine closed by saying that only in the spirit of cooperation will we be able to resolve old wrongs.

REQUESTS FOR NEW INQUIRIES: CANUPAWAKPA DAKOTA FIRST NATION (MANITOBA) – TURTLE MOUNTAIN SURRENDER

In May 2000, the Canupawakpa Dakota Nation of Manitoba asked that the Commission review the federal government's rejection of its surrender claim. According to the First Nation, in 1886 the government set aside land for the a small band of Sioux who, led by Chief Hdamani, had moved north from the United States. In August 1909, however, federal officials called a meeting and a majority of the band members deemed by the Indian Agent to be eligible voted three to two to surrender the land. Whether that surrender was lawful is under dispute.

CONSEIL DE BANDE DE BETSIAMITES (QUEBEC) – ROUTE 138 ET RÉSERVE DE BETSIAMITES, AND PONT DE LA RIVIÈRE BETSIAMITES

In June 2000, the Conseil de Bande de Betsiamites, requested an inquiry into the federal government's rejection of its claim involving a road and bridge right of way. The Commission is awaiting the supporting documents.

New Staff

KATHY SUFFEL, SENIOR MEDIATION ANALYST



In her role as Senior Mediation Analyst, Kathy Suffel reviews files and advises the Director of Mediation about claims that are being mediated by the Commission

Kathy Suffel is our newest addition to the Mediation team and brings with her a valuable mix of education and experience. After her undergraduate degree in politics and philosophy, she went on to receive a law degree, all at Queens University in Kingston. She then acted as a communications consultant in aboriginal communities for the Department of Justice.

Before coming to ICC, she worked for Agriculture and Agri-Food Canada as a communications officer on the

Canadian Rural Partnership Pilot Project Initiative where she gained more experience in aboriginal communities.

Although she was gaining vital experience, Ms Suffel felt she was not capitalizing on her law degree as much as she would have liked. Now, as Mediation Analyst, she is able to do so and use her experience. Her goal is to become a mediator, and so has been training in the Harvard Negotiation Project. Welcome aboard.

GORDON WEBER, COMMUNICATIONS AND PUBLICATIONS OFFICER

Gordon Weber, after 15 years of communications experience running his own company, joined the Commission's communication team in May, 2000. He received his degree in fine arts from the University of Saskatchewan (Saskatoon), and studied

fine arts as well as communication and design at the Ontario College of Art in Toronto, and in Florence, Italy.

Having a wide range of experience, from editorial illustration, to curation and to coordination of intercultural initiatives for the Assembly of First Nations, Gordon brings a variety of skills to the ICC.



Former independent communications specialist Gordon Weber is now Communications and Publications Officer for the Commission

GET THE FACTS ON CLAIMS

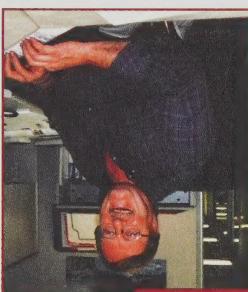


What are Indian land claims? What is a TLE claim? What is a surrender claim? How many times have you been asked these questions only to spend 20 minutes answering? Specific claims are based in history, law, and policy and are often complex. Now, the Indian Claims Commission has prepared a series of fact sheets called *The Facts on Claims* to explain the basics behind specific claims. They are available free of charge and will be a useful public education tool for any organization or First Nation with an interest in claims. To get *The Facts on Claims*, call (613) 947-0755 or email cfgeat@indianclaims.ca.

OBTENEZ LES FAITS SUR LES REVENDICATIONS



Un certain spécialiste en communication indépendant, Gordon Webber est maintenu dans le secret de la communication.



GORDON WEBER — AGENT
DE COMMUNICATION ET
DES PUBLICATIONS



PRINCIPALE DE LA MÉDIATION — ANALYSE —

Nouveaux membres du personnel

tions particulières.

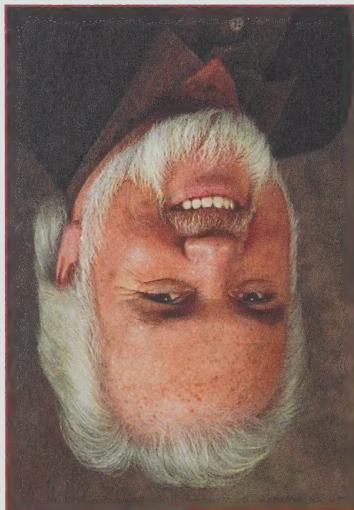
CLUB ROTARY DE WINDSOR
S'ADRESSE AUX MEMBRES DU
LE COMMISSAIRE AUGUSTINE

LA REVENDICATION RELATIVE AUX TERRES A FOIN DE PELLY ACCEPTÉE POUR NEGOCIATION

En Bref

La Commission d'examen réglementaire a démis en mars 2000, la Nation Dakota du Nord. Toutefois, en outre l'Etat du Dakota du Sud a été dissous par la Chambre des Sioux qui, dirigée par le député de Sioux City, abandonne de côtés des terres pour une partie de la Nation, en 1886, le gouvernement fédéral revendicant la possession de la côte des Grands Lacs. La Nation, qui a été dissoute par la Commission d'examen réglementaire, a été dissoute par la Commission d'examen réglementaire, le 1er juillet de cette session.

DE NOUVELLES DEMANDES : PREMIÈRE NATION
DEMANDES : PREMIÈRE NATION
ENQUETES : PREMIÈRE NATION
DAKOTA DE CANUPAWAKA
(MANITOBA) - CÉSSION DE
MOUNTAIN TURTLE



Le commissaire Roger Augustine

A horizontal strip of the original painting, showing a dense line of gondolas on the water. The strip is approximately one-third of the original width, capturing the intricate details of the boats and the surrounding environment.

En juillet 2000, le Conseil de bande de Besiampite a démandé la tenue d'une enquête sur le reflet par le gouvernement fédéral de sa revendication toucheant l'emprise d'une route et d'un pont. La Commission communautaire travaille alorsqu'elle regarde les documents justificatifs.

Le massacre des collines du Cyprès

et d'acès et de niches - sont pris par surprise en milieu découvert. On ne dispose d'aucun décompte du nombre d'Assimilations morts dans ce combat, mais les estimations vont de 25 à 80.

Le démiur j'our de mai 1873, un groupe de chevaux qui leur ont été volés deux arméent à ces postes de taitie. Ils cherchent de classes de loups renoués à Montrana (appelé mamineur dans l'issieu de Battle).

Le ministre répond au rapport sur l'enquête de Long Plain

sur cette revendication, le Canada n'est pas son membre plus évidente - dans son rapport recommandations de la Chambre des Communes. «

AVEZ DEMENAGEZ? VOUS S'AVEZ AVEZ AVEZ une NOUVELLE ADRESSE ou
SI vous avez une NOUVELLE ADRESSE ou
en droit, veuillez nous faire part de votre
la commission par courriel à
frigim@minreduc.mcr.ca
ou par courriel à
C.P., 1750 Succursale B
Ottawa (Ont.), K1B 1A2

En mars dernier, la Commission a publié son rapport sur la revendication de la Première Nation de Long Plain en vue d'obtenir compensation pour la perte du territoire. La Commission a recommandé aux autorités indiennes Bob Nault et André Desjardins de faire une offre de compensation concrète à la Première Nation de Long Plain sans accepter, ni la refuser.

Première Nation de Fish Lake (Saskatchewan) - de 1903, projet pilote	cession de 1907	Première Nation de Fort William (Ontario) - projet piloté
Première Nation de Kakhewistahaw (Saskatchewan) - cession de 1907	Première Nation de Mooseomin (Saskatchewan) - cession de 1909	Qu'Appelle Valley Indian Development Authority (Saskatchewan) - mondations
Première Nation de Michipicoten (Ontario) - projet pilote	Première Nation de Mooseomin (Saskatchewan) - cession de 1909	Qu'Appelle Valley Indian Development Authority (Saskatchewan) - mondations
Première Nation de Thunderchill (Saskatchewan) (Manitoba) - cession de 1903	Première Nation de Rosau River (Saskatchewan) - mondations	Première Nation de Rosau River (Saskatchewan) - mondations
Première Nation de Thundertown (Saskatchewan) (Manitoba) - cession de 1903	Première Nation de Thunderchill (Saskatchewan) (Manitoba) - cession de 1903	Première Nation de Thunderchill (Saskatchewan) (Manitoba) - cession de 1903
Première Nation de Thunderchill (Saskatchewan) (Manitoba) - cession de 1903	Première Nation de Thunderchill (Saskatchewan) (Manitoba) - cession de 1903	Première Nation de Thunderchill (Saskatchewan) (Manitoba) - cession de 1903

TRIBU DES BLOOD/KAINIWA (ALBERTA) - SESSION	OU A LA MEDIATION	d'AKERS EN 1989
REVENDEICATIONS SOUMIS-	ES A LA FACILITATION	DE LA MEDIATION
SESSION DE 1997	PRINCIPES ISSUS DE TRAITS	DE ROSEAU RIVER
BANDE INUITIAME DE PEGUIS (MANITOBA) - DROITS	PRÉMIERE NATION ANISHINABE DE ROSEAU RIVER	(MANITOBA) - RIDE MÉDIABLE
PRÉMIERE NATION DE COWESASS (SASKATCHEWAN) -	BANDE INUITIAME DE PEGUIS (MANITOBA) - DROITS	PRÉMIÈRE NATION ANISHINABE DE ROSEAU RIVER
SESSION DE 1997	BANDE INUITIAME DE PEGUIS (MANITOBA) - DROITS	PRÉMIÈRE NATION DE COWESASS (SASKATCHEWAN) -
SESSION DE 1997	BANDE INUITIAME DE PEGUIS (MANITOBA) - DROITS	PRÉMIÈRE NATION DE COWESASS (SASKATCHEWAN) -
SESSION DE 1997	BANDE INUITIAME DE PEGUIS (MANITOBA) - DROITS	PRÉMIÈRE NATION DE COWESASS (SASKATCHEWAN) -



REVENDEURS FAISANT L'OBJET D'UNE ENQUÊTE

Ces Assimilations y ont perdu la vie, leurs têtes et leur méthode d'estimation. Il est temps que le Gouvernement reconnaîsse le lien historique qui les rattache aux collines du

vers 1971 Archives Glenbow NA-2446-12
Étudiants de l'Institut des communes du Québec, Banlieue Géante, Saskaatchewaun



A

d'Alkali

81

